



South Carolina House of Representatives

Legislative Update

Robert J. Sheheen, Speaker of the House

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House Week in Review

The House of Representatives completed its initial consideration of this session's budget bills last week by approving the Supplemental Appropriations Bill (H.4801) and the Capital Reserve Fund Bill (H.4802).

The supplemental budget bill passed the chamber with little debate. That was not the case with the Capital Reserve Fund bill. H.4802 prompted a number of amendments, as House members tried to add projects to the priority list or to change the priority order of items already in the bill. In the end, the House voted 104-3 to give the bill second reading approval Tuesday with essentially the same projects in the bill, although the chamber did approve one amendment to move beach renourishment money to a higher priority. H.4801 and 4802 received third reading on Wednesday.

Also receiving a third reading by the House last week were H.4283, legislation which would raise the reinstatement fee for a suspended or revoked driver's license; H.4427, which would authorize special tax assessments to "rehabilitated historic properties;" and S.1157, a bill that would revoke the license or permit of any place of public accommodation which practices discrimination.

At Wednesday's joint assembly, the General Assembly heard remarks by Miles S. Epley of West Virginia, the national commander of the American Legion. It also helped kick off the annual "Buck-a-cup" campaign for crippled children by observing "Handicapped Children's Day" at the Statehouse.

The following are highlights of the two budget bills passed by the House last week:

H.4801

Supplemental Appropriations Bill

Revenues

The \$20.2 million revenues for the 1990 Supplemental Appropriations Bill are drawn from following seven sources:

Maintaining tax conformity	\$8.3 million
Impact of minimum wage increase	\$1.3 million
Nuclear Waste Tax	\$1 million
Infectious Waste Fee	\$1 million
Education Finance Act Lapsed Funds	\$6 million
1989-90 Lapse in Operating Funds	\$2 million
State Employee Bonus Lapsed Funds	\$ <u>600,000</u>
TOTAL	\$20.2 million

Expenditures

The following are additional appropriations to be made for the current budget year. They are listed in priority order so that if the estimated funds are not available, the state Comptroller General is authorized to reduce the appropriations beginning with the last item. However, this supplemental bill stipulates that no funding reduction may be made from the last priority item, the Savannah Valley Authority, Hampton Project.

1. General Reserve Fund	\$ 6.1 million
2. State Employee Merit Pay	\$12.1 million
3. Repayment to DHEC for funding for Children's Rehabilitative Services	\$ 800,000
4. Office Equipment, Attorney General's Office	\$ 100,000

5.	Blind/Handicapped Vehicle, State Library	\$ 20,000
6.	Arts in Basic Curriculum (ABC Grants), State Arts Commission	\$ 50,000
7.	Architectural design services, Archives and History Department	\$ 30,000
8.	Savannah Valley Authority Hampton Project	\$ <u>1 million</u>
TOTAL SUPPLEMENTAL BILL		\$20.2 million

H. 4802

Capital Reserve Fund Bill

This bill will take effect 30 days after the end of the fiscal year if funds are available. The items in this bill are listed in priority funding order as required by law:

1.	Statewide Elections	\$ 1.95 million
2.	Hurricane Hugo DSS Repayment for Family Assistance Grants	\$20.65 million
3.	Hurricane Hugo FEMA Match	\$ 3.3 million
4.	Hurricane Hugo Local Government Division Repayment	\$ 3.5 million
5.	B&CB Local Government Division	\$ 5.0 million
6.	One-fourth percent State Employee Bonus	\$ 2.7 million
7.	Formula Funding, Colleges and Universities	\$ 8.3 million
8.	Higher Education's "Cutting Edge" Program	\$ 5.0 million
9.	Hurricane Hugo Beach Renourishment	\$ 3.75 million

10.	State Department of Corrections New Facilities, vehicle replacement, Evans Corrections Institution	\$ 1.6 million
11.	ETV Equipment	\$ 600,000
12.	DYS statewide data network	\$ 442,894
13.	Probation and Parole statewide data network	\$ 308,500
14.	PRT park improvements	\$ 68,714
15.	Development Board statewide data network	\$ 172,591
16.	Worker's Compensation Comm. data processing	\$ 50,000
17.	B&CB financial data systems mainframe	\$ 359,227
18.	Tax Commission equipment lease payment	\$ 500,000
19.	Appellate Defense computer network	\$ 28,576
20.	Governor's Office public safety grant match	\$ 125,000
21.	Adjutant General armory maintenance	\$ 75,000
22.	DHEC clinic renovations	\$ <u>130,000</u>
TOTAL CAPITAL RESERVE FUND		\$58,666,285

Bills Introduced

Here is a sampling of bills introduced in the House during the past week. Not all the bills introduced are featured here. The bills are organized by the standing committees to which they were referred.

Agriculture and Natural Resources Committee

Mining Cumulative Environmental Impact Assessment (H.4899, Rep. J. Rogers). This bill would require, as part of the review and processing of applications for mining permits, that the S.C. Land Resources Conservation Commission conduct a cumulative environmental impact assessment or require that the applicant conduct this assessment. This assessment would study the impact of permitting one or more additional mining operations located in a specific region or geographical area where significant acreage is contained in existing mining permits. This cumulative review may be used by the department in deciding whether or not to issue a permit.

Judiciary Committee

Bidding Negotiation (H.4885, Rep. T.M. Burriss). Under this legislation, the law regarding construction contract bidding would be expanded to allow negotiations when the lowest bids received exceed the available funds by less than 15 percent. If the bidding process falls within this 15 percent or less provision, and if the two lowest bids are within 3 percent of each other, the agency may conduct negotiations with the two lowest bidders.

Desecrating Human Remains (H.4887, Rep. Kirsh). Under this legislation it would become a misdemeanor to destroy or damage the remains of a deceased human being. The bill also would prohibit the removal of any portion of the remains from a burial place, or the obliteration or desecration of a burial ground or tombstone, whether it's in a cemetery, memorial park or battlefield. The punishment for the misdemeanor would be up to the trial court.

Additional Aggravating Circumstances for Murder (H.4898, Rep. Waldrop). This legislation would add new provisions to the definition of what constitutes aggravating circumstances in connection with a murder. These would include:

- drug trafficking;
- the murder of a family member of a law enforcement officer or a court official with the intent of retaliation or to impede the official.
- Involvement in a continuing criminal enterprise. Under this provision, the suspect would have to be one of the principal organizers or leaders acting in concert with five or more people, or be trafficking in large quantities of illegal drugs, or directing a drug trafficking enterprise that received \$2 million in gross receipts during a year's time, or be previously convicted of at least three felony drug-related offenses.

Aggravating circumstances must be present for a prosecutor to seek the death penalty.

Prostitution and Uniform Traffic Ticket (H.4904, Rep. Moss). This bill would allow the uniform traffic ticket to be issued in connection with first offense prostitution charges.

Shock Incarceration (H.4906, Rep. Kirsh). This legislation would rewrite the current section of the code dealing with the shock probation program. The provisions of this bill would apply to any person 25-years-old or younger, who would be eligible for parole in two years or less, who has not been convicted of a violent crime, who has not served a previous jail sentence or been in the shock probation program, and who is physically capable of participating in the program. Shock incarceration would entail a 90 day sentence of "rigorous physical activity, intensive regimentation, and discipline, rehabilitation therapy and programming."

The Department of Corrections would draw up regulations for the shock incarceration program, including selection criteria, inmate discipline and program structure. A selection committee would be established at each reception center to review applications for the shock incarceration program. An inmate would have to apply for the program, under this bill. If he is selected, he would have to sign an agreement stating he would adhere to the conditions of the program or be transferred to a regular prison facility.

When an inmate successfully completes a shock incarceration program, he would be eligible for release unless the Board of Probation, Parole and Pardon Services determines it would be adverse to society to do so.

The final paragraph of this bill reads, "Participation in a shock incarceration program is a privilege. Nothing contained in this article confers upon an inmate the right to participate or continue to participate in a program."

Court Fees and Special Programs (H.4910, Rep. Sheheen). This legislation stipulates that if a criminal fine is suspended, then the amount of the suspended sentence must be used when determining the assessment that goes to special programs.

Death with Dignity Changes (S.1136, Sen. McLeod). This bill parallels H.4468, introduced earlier this session, proposing amendments to the Death with Dignity Act.

This legislation would amend several provisions of the state's Death with Dignity Act, thereby allowing the person to add more personalized instructions regarding his care in the declaration. This bill expands the definition of life-sustaining procedures to allow the declarant to add "any other procedure specified by the declarant," not just the medical procedures or intervention which would "serve only to prolong the dying process," as currently allowed under the law. The definition of "terminal condition" would be expanded to include an irreversible condition that "results in a state of permanent unconsciousness, or any other incurable or irreversible condition capable of causing death or permanent unconsciousness specified by the declarant in the declaration."

The wording of the declaration would be changed by the bill to allow the declarant to appoint an agent who could revoke the declaration or enforce it. Enforcement of the declaration by an agent would be made by petitioning the court. Revocation by an agent could be made orally or in writing and could be revoked permanently or temporarily. The declaration would be expanded to allow the person to leave additional instructions to his doctor or agent and to authorize the agent to enforce the declaration. These additional instructions would not be mandatory to make the declaration enforceable.

The power of the agent would not be affected by the appointment of a guardian or the declarant's execution of a durable power of attorney, unless the agent's authority is terminated by a probate court.

Revocations of a declaration would not be effective until they are communicated to a doctor, according to the bill.

Sunsetting Agencies (S.1240, Sen. Drummond). This legislation updates the schedule for the sunset review of a number of state agencies. The bill reiterates those agencies up for review and reauthorization by June 30, 1990 and June 30, 1991, eliminating only the State Dairy Board from this schedule, since this board already has been eliminated. Agencies up for review and reauthorization by June 30, 1992, 1993, 1994, and 1995 are set by this legislation.

Labor, Commerce and Industry Committee

Surety Bond for Public Land Projects (H.4897, Rep. Kohn). This legislation would require that anyone who is developing a real estate project on publicly owned land or with public funds must post a surety bond guaranteeing the payment of the contractor under certain circumstances. The bill states that if construction of improvements on the property are worth \$500,000 or more then a surety bond or other guarantee providing full payment to the contractor must be obtained by the developer. This requirement must be met whether the developer is the owner of the improvements, lessee under a ground lease, or an agent for a principal.

Consumer Choice in Motor Vehicle Insurance Act (H.4900, Rep. J. Bailey). The purpose of this lengthy bill is to offer motorists the choice between no fault auto insurance or staying with the current insurance system which allows them to sue and be sued. "Instead of being forced to buy traditional tort liability insurance to protect strangers," this bill would allow motorists buy "a new Personal Protection Policy (PPP) to protect themselves and their family members in the event of a motor vehicle accident." The bill would also give them the right to retain the current forms of insurance and thereby retaining the right to sue for damages in court and remain subject to being sued for their liability to others.

The bill outlines the protection provides under six scenarios:

- Motorists who retain the current form of insurance and who are involved in an accident with any other motorist will remain under the current system -- where they can claim and sue for damages and will remain subject to being sued for their liability to others.
- Motorists who choose the new Personal Protection Policy and who are involved in an accident with a driver with traditional insurance will be compensated promptly for their own losses and also will be able to claim and sue the other motorist for both economic damages and "pain and suffering."
- Two motorists both carrying PPP insurance and involved in an accident with each other will be compensated promptly under their own policies for their own losses. (In this case, by carrying PPP insurance, the motorists have waived the right to sue for pain and suffering unless serious injury occurs; however, if either suffers a loss in excess of his coverage levels, that person has the right to sue for unreimbursed economic loss if the other motorist is at fault.)

- If a traditionally insured motorist is involved in an accident with an uninsured driver then the insured motorist will be compensated for losses under the uninsured motorist provisions of his policy and has the right to sue for damages. The uninsured motorist would forfeit the right to claim for loss except for DUI or for intentional misconduct on the part of the other driver.
- A motorist carrying PPP involved in an accident with an uninsured driver would be compensated promptly by his own policy and would have the right to sue the uninsured driver for economic and pain and suffering damages. The uninsured driver forfeits the right to make a claim against this motorist except in cases of DUI and intentional misconduct.

The cost of a PPP policy would be at least 20 percent lower than the traditional tort liability insurance because of the partial grant of immunity from liability claims. Drivers covered by PPP would be guaranteed a minimum \$15,000 economic loss benefit with the option of purchasing more. PPP carriers would also have to purchase minimum tort liability coverage for bodily injury.

This lengthy bill contains numerous definitions, requirements for insurance, obligations of PPP insurers, and many other provisions. The bill also contains a section stating that due to the constitutionality questions surrounding some of these proposals, a suit should be brought against the chief insurance commissioner in order to get a determination by the court.

State Development Board Addition (H.4907, Rep. Keyserling). This bill proposes adding an additional member to the current 19-member State Development Board. This twentieth member would be appointed by the governor and represent the cultural interests of the state. The Joint Legislative Committee on Cultural Affairs would make a recommendation to the governor.

Medical, Military, Public and Municipal Affairs Committee

Swimming Pool Regulation (H.4918, Rep. T. Alexander). Under this legislation, the state Department of Health and Environmental Control would regulate the design, construction and operation of public swimming pools. DHEC would have to approve all designs for public pools or any alternations of existing pools. An annual operating permit would be required. The bill would authorize the department to collect fees for the construction permits.

Civil penalties of up to \$500 a day could be imposed for uncorrected violations for a first offense. Second offense could bring a fine of \$1,000 a day; third and subsequent violations could mean a fine of \$3,000 a day. The fines would be divided so that 50 percent would go to DHEC for implementation of the recreation waters program; 30 percent would be kept by the county, and 20 percent would go to the General Fund.

Adult Health Care Consent Act (S.1137, Sen. McLeod). This bill is the companion bill to H.4445, introduced earlier in the session. The legislation outlines who may give consent for an adult if he is unable to give consent himself for a medical treatment. Unable to consent would mean that the patient is unable to appreciate the nature and implications of his condition, unable to make a reasoned decision, or unable to communicate in an unambiguous manner. The bill stipulates who would be able to make the decision on behalf of the patient if two doctors certify that the patient is unable to consent.

Releasing the Names of Public Assistance Recipients (S.1166, Sen. Leatherman). This bill, which parallels H.4511, would eliminate the provision now in the law which provides that the names of recipients receiving public assistance payments from the state or county Departments of Social Services and the amounts received are public record and open to public inspection. Under this bill, agencies would promulgate regulations complying with federal disclosure requirements that concern applicants and recipients of public assistance, including Medicaid. No person could disclose information about public assistance recipients except in connection with the administration of public assistance, under this legislation.

Mental Retardation and Related Disabilities Act (S.1167, Sen. Bryan). This legislation, companion bill to H.4509 introduced earlier this session in the House, would reorganize into one new chapter existing law concerning mental retardation programs operated by the state Department of Mental Retardation and local program providers. Generally, present operations would continue, with some additional language to give greater protection to clients participating in programs. This legislation is the product of public hearings and work by the Joint Legislative Committee on Mental Health and Mental Retardation.

Highlights of the bill include language expressing the state's philosophy toward providing services for the mentally retarded and the rights of the clients as well as their families. This includes providing services for mentally retarded clients in the "least restrictive environment."

The bill outlines the organization and system for the delivery of services, including the make up and duties of the state commission, and the responsibilities and organization of the Department of Mental Retardation. New language allows the commissioner to act as advocate and educator for the mentally retarded.

Criteria for admissions would be reduced to (1) the relative need of the person for special training, supervision, treatment and care, and (2) availability of services suitable to the needs of the applicant. The bill also covers the procedure for involuntary admissions.

Licensing and regulation of facilities and programs for the mentally retarded are described in the bill. Penalties for operating programs without proper authorization are increased. Licenses would be issued for three-year periods, instead of annually.

Section on capital improvements is largely the same as the current law.

Ways and Means Committee

Retired Law Officers and Constable Commissions (S.1279, Sen. Setzler.) Former law enforcement officers, who have retired with 25 years of services, would not have to pay the initial fee or renewal fee for a constable's commission. Currently this fee is \$50. SLED estimates the fiscal impact of this bill to be about \$5,000 per year.

Women in Government 1989

Each year, the Center for the American Women and Politics at Rutgers University publishes an update of women elected officials. Here is a summary of the center's latest findings on women elected officials at the national and state levels.

Introduction

According to the Center for the American Woman in Politics at Rutgers University, there were more women serving in Congress in 1989 than any previous year. Three states now have women governors, and the number of women serving the state Legislatures is four times larger than it was 20 years ago. However, women still hold only a small portion of elective offices. At no level of office do women hold more than 16.9 percent of the available positions.

At the National Level

In 1989, women held 29 of the 535 seats in the U.S. Congress. Only two women are in the U.S. Senate -- Sen. Nancy Landon Kassebaum, R-Kansas, and Sen. Barbara Mikulski, D-Maryland. The U.S. House of Representatives has 27 women members, including 15 Democrats and 12 Republicans. South Carolina 4th District Democratic Congresswomen Liz Patterson is one of them.

Statewide Elective Offices

Of the 330 statewide executive officers, women hold 46, or 13.9 percent, of those. Three women serve as **governors** -- Democratic Gov. Madeleine Kunin of Vermont, Governor Rose Mofford of Arizona, also a Democrat, and Nebraska Gov. Kay A. Orr, who in 1986 became the first Republican woman elected governor of any state.

Four women serve as **lieutenant governors**. They are Martha Griffiths, D-Michigan; Marlene Johnson, DFL-Minnesota; Evelyn Murphy, D-Massachusetts, and Jo Ann Zimmerman, D-Iowa.

Currently, two states have woman **attorney generals**. They are Mary Sue Terry, a Democrat, elected attorney general of Virginia, and Clarine Riddle, a Connecticut Democrat who was appointed to fill the vacancy as her state's attorney general in January 1989.

Eleven women serve as **secretaries of state**. They are from California, Colorado, Connecticut, Iowa, Minnesota, Nevada, New Mexico, Oregon, Rhode Island, South Dakota and Wyoming.

There are ten women **state treasurers**. They serve in Arkansas, Colorado, Delaware, Idaho, Indiana, Kansas, Louisiana, Ohio, Pennsylvania and Texas.

In the State Legislature

In 1989, 1,263 or 16.9 percent of the 7,461 **state legislators** in the U.S. are women. Women held 261 state Senate seats and 1,002 House seats in 1989. The number of women serving in state legislatures has more than quadrupled since 1969 when 301, or only 4 percent, of all state legislators were women.

In 1989, the ten states with the **highest** percentage of women state legislators are:

<u>State</u>	<u>% Women</u>	<u>State</u>	<u>% Women</u>
New Hampshire	31.8%	Washington	28.6%
Maine	30.7%	Wisconsin	25.8%
Vermont	30.6%	Kansas	25.5%
Arizona	30.0%	Idaho	24.6%
Colorado	29.0%	Hawaii	23.7%

The party breakdown for women serving in state legislatures in 1989 is 740 Democrats and 516 Republicans. The Nebraska legislature is unicameral and legislators are elected on a non-partisan basis. Every state has at least five women in its Statehouse, but only one state, Louisiana, has no women in its state Senate. Of the total number of women legislators, 134 are minorities.

The ten states with the **lowest** percentage of women state legislators are:

<u>State</u>	<u>% Women</u>	<u>State</u>	<u>% Women</u>
Louisiana	2.1%	Arkansas	7.4%
Kentucky	5.1%	Oklahoma	8.7%
Alabama	5.7%	New Jersey	9.2%
Mississippi	5.8%	SOUTH CAROLINA	9.4%
Pennsylvania	6.7%	Tennessee	9.9%

In the Mayor's Office:

In June 1989, among the 100 largest cities in the U.S., 17 had women **mayors**. Four of these women serve in cities among the ten biggest in the nation. Cities with women mayors include (listed in order of population): Houston; San Diego; Dallas; San Antonio; El Paso; Pittsburgh; Charlotte; Toledo; Sacramento; Fresno; Tampa; Corpus Christi; Mesa, Arizona; Richmond, Va.; Stockton, Calif.; Garland, Texas, and Spokane, Wash.

The U.S. Conference of Mayors reported that in June 1989, of the 880 mayors of cities with populations over 30,000, 115, or 13.1 percent, were women. Of these women mayors, 31 serve in cities with populations over 100,000.

Percentages of Women in Elective Office

Here is a breakdown of the percentage of women elected officials at the state and national level for selected years from 1975 to the present.

<u>Office</u>	<u>1975</u>	<u>1977</u>	<u>1979</u>	<u>1981</u>	<u>1983</u>	<u>1985</u>	<u>1987</u>	<u>1989</u>
U.S. Congress	4%	4%	3%	4%	4%	5%	5%	5%
Statewide Elective	10%	8%	11%	11%	13%	14%	15%	14%+
State Legislatures	8%	9%	10%	12%	13%	15%	16%	17%
County Boards	3%	4%	5%	6%	8%	8%*	9%	9%
Mayors & Municipal	4%	8%	10%	10%	NA	14%	NA	NA

*1984 figure

Historical Footnote

A total of ten women have held cabinet or cabinet level appointments in the history of our country. Of the ten, nine had cabinet posts, including two who headed two different departments, and one woman who held both a cabinet post and a position defined as cabinet-level.

The first woman appointed to a presidential cabinet was Frances Perkins who was selected in 1933 by President Franklin D. Roosevelt to head the Department of Labor. Patricia Roberts Harris is the only black woman ever to have held a cabinet position.

To date, two departments have had women in the top posts on two occasions, and the Department of Labor has had three women leaders.

Appointee	Department	Appointed By	Dates
Frances Perkins	Labor	F.D. Roosevelt	1933-45
Oveta Culp Hobby	HEW	Eisenhower	1953-55
Carla Anderson Hills	HUD	Ford	1975-77
Juanita A. Kreps	Commerce	Carter	1977-79
Patricia R. Harris	HUD	Carter	1977-79
Patricia R. Harris	Health & Human Serv.	Carter	1979-81
Shirley M. Hufstedler	Education	Carter	1979-81
Jeane J. Kirkpatrick	U.N. Ambassador*	Reagan	1981-85
Margaret M. Heckler	Health & Human Serv.	Reagan	1983-85
Elizabeth Hanford Dole	Transportation	Reagan	1983-87
Anne Dore McLaughlin	Labor	Reagan	1987-89
Elizabeth Hanford Dole	Labor	Bush	1989-
Carla Anderson Hills	Special Trade Rep.*	Bush	1989-

*These posts were/are considered cabinet-level.

Source: Center for the American Woman and Politics, Eagleton Institute for Politics, Rutgers University, New Brunswick, N.J.